

REMARKS

Applicant has carefully reviewed the office action mailed December 2, 2005 and offers the following remarks to accompany the above amendments. Applicant wishes to thank the Examiner for indicating the allowability of claims 7 and 24 and reserves the right to rewrite claims 7 and 24 in independent form, as originally presented. Claims 1 and 18 have been amended.

Claims 1, 2, 4, 6, 8, 14, 16-19, 21, 23, 25, 29, 31, 33, and 34 were rejected under 35 U.S.C. § 102(c) as being anticipated by Sakata. Applicant respectfully traverses. For the Patent Office to prove anticipation, the Patent Office must show where each and every element of the claim is taught in the reference. Further, the elements of the reference must be arranged as claimed. MPEP § 2131. Anticipation is a strict standard.

Claims 1 and 18 have been amended to clarify that the request for the pointer, delivery of the pointer, and delivery of information associated with the pointer are all provided over the same network, which is typically a cellular access network for a wireless local area network. These amendments further define the invention, as is supported by the specification. Particular attention is directed to Figure 1 and the associated description. Notably, Sakata fails to disclose a system where the request for the pointer, the pointer itself, and the information associated with the pointer are all delivered over the same network. As such, claims 1, 2, 4, 6, 8, 14, 16-19, 21, 23, 25, 29, 31, 33, and 34 define patentable subject matter.

In particular, Sakata provides a mobile terminal, which will request a pointer from a billboard via a Radio Frequency Identification (RFID) interface and receive the pointer via the RFID interface. Notably, the request sent by the mobile terminal in Sakata is a specific request for the pointer, and not the actual information which is associated with the pointer. In contrast, the claimed invention requests the information, and in response, is provided a pointer for which the information can be retrieved.

Once the mobile terminal in Sakata retrieves the pointer from the billboard via the RFID interface, the pointer is used to access the information associated with the pointer through a different interface. In effect, different communication networks are used to obtain and ultimately use the pointer.

As such, there are two key differences between the presently claimed invention and Sakata. First, different networks are used to obtain and use the pointer in Sakata, whereas the

same network is used in the claimed invention. Second, the present invention provides a request for information, not the pointer. A pointer is returned, such that the location can be ultimately accessed via the same network. In Sakata, a pointer is requested. Given the strict standards for anticipation, Sakata fails to anticipate independent claims 1 and 18 and the corresponding dependent claims. Withdrawal of the rejections under 35 U.S.C. § 102(e) is respectfully requested.

Claims 1, 2, 4, 9-19, 21, and 25-34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ljubicich or Vasa in view of Sakata. Applicant respectfully traverses. For the Patent Office to establish *prima facie* obviousness, the Patent Office must show where each and every claim element can be found in the combination of references. MPEP § 2143.03. Further, the Patent Office is not allowed to extract isolated portions of the references; rather, the references must be considered in their entireties. MPEP § 2141.02.

As indicated above, Sakata fails to disclose obtaining and using the pointer over the same network as well as providing a pointer in response to an information request. Sakata actually requests the pointer. The information associated with the pointer and the pointer itself cannot be construed as the same. Neither Ljubicich nor Vasa cure the deficiencies of Sakata, and as such, *prima facie* obviousness is not provided because every claim element cannot be found in either combination of references.

Even if these claim elements were present, there is no motivation to combine the references. For the Patent Office to combine references in an obviousness rejection, the Patent Office must prove there is a suggestion to combine the references. For the Patent Office to prove that there is a suggestion to combine the references, the Patent Office must do two things. First, the Patent Office must state a motivation to combine the references, and second, the Patent Office must support the stated motivation with actual evidence. *In re Dembiczak*, 175 F.3d 994, 999 (Fed. Cir. 1999). Even if the Patent Office can properly combine the references, to establish *prima facie* obviousness, the Patent Office must show where each and every element of the claim is taught or suggested in the combination. MPEP § 2143.03. If the Patent Office cannot establish obviousness, the claims are allowable.

A detailed analysis of Vasa reveals its failings. Vasa simply provides a system where a mobile terminal can request information associated with a directory number. When a request is made, the requested information is returned. A pointer to the requested information is not

returned. There is no need for a pointer in Vasa, as the information is directly provided in response to the request. As such, Vasa fails to provide the missing elements of Sakata. Further, there is no actual evidence to show the requisite motivation to combine Vasa with Sakata to arrive at the claimed invention. Accordingly, the combination of Vasa and Sakata cannot be combined due to lack of motivation and the combination fails to disclose every element in independent claims 1 and 18. The corresponding dependent claims further define the patentable subject matter of claims 1 and 18.

Ljubicich provides a system where a caller can obtain an access number for a party who has an unpublished number. The access number can be used to call the party whose number is unpublished without divulging the actual number of the party. In no way can the access number of Ljubicich, which is effectively an alternative directory number, be construed as a pointer as claimed in the present invention. Such a stretch is unwarranted. Further, making a call using the access number cannot be construed as obtaining information associated with a pointer. Ljubicich is directed to a completely different field of endeavor and is simply trying to maintain anonymity of parties wishing to have their actual directory numbers remain unpublished. Not only is Ljubicich not pertinent to any aspect of the present invention, the different focuses of Ljubicich and Sakata would not lead one skilled in the art to combine these references to arrive at the present invention. Again, elements of claims 1 and 18 are missing from Ljubicich and Sakata. There is no actual evidence supporting a motivation to combine these references to arrive at the present invention. Independent claims 1 and 18 define patentable subject matter wherein the corresponding dependent claims further limit claims 1 and 18.

Claims 2 and 19 deserve special mention. In particular, the Patent Office has asserted that Sakata discloses a portable terminal, which can make a call to obtain the pointer in order to access the Internet website. Simply being able to make a call does not disclose the specific claim requirement of receiving the request for information via a call. The teachings of Ljubicich and Vasa fail to remedy these further deficiencies of Sakata. As such, claims 1, 2, 4, 9-19, 21, and 25-34 define patentable subject matter over Ljubicich or Vasa in view of Sakata. Further, all independent claims 1, 2, 4, 6-19, 21, 23, and 24 define patentable subject matter.

The present application is now in condition for allowance and such action is respectfully requested. The Examiner is encouraged to contact Applicant's representative regarding any remaining issues in an effort to expedite allowance and issuance of the present application.

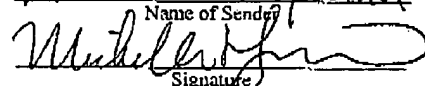
Respectfully submitted,

WITHROW & TERRANOVA, P.L.L.C.

By: 

Benjamin S. Withrow
Registration No. 40,876
P.O. Box 1287
Cary, NC 27512
Telephone: (919) 654-4520

Date: February 27, 2006
Attorney Docket: 7000-287

CERTIFICATE OF TRANSMISSION	
I HEREBY CERTIFY THAT THIS DOCUMENT IS BEING TRANSMITTED VIA FACSIMILE ON THE DATE INDICATED BELOW TO:	
Examiner: <u>Smith, Creighton H.</u> Art Unit: <u>2645</u> Fax: <u>571-273-8300</u>	
<u>Michelle Heymann</u> Name of Sender	
<u></u> Signature	
<u>2-27-06</u> Date of Transmission	